

REMARKS

Claims 1-9, 11-12, 15-23, 25-27, 30-33 and 35-42 were pending in the subject application. Claims 1-9, 11-12, 15-23, 25-27, 30-31, 33, 35-39 and 41 have been cancelled without prejudice to expedite the prosecution of the application. Applicant preserves the right to pursue subject matter affected by the foregoing amendments in related continuation/divisional applications. New claim 43 has been added, for which support is clearly found in the specification. Accordingly, upon entry of the foregoing amendments, claims 27, 32, 40, 42 and 43 will be before the Examiner for consideration.

Claims 32, 35 and 42 were objected to in the last Office Action. Applicant respectfully asserts that the amendments to the claims obviate the objections. Reconsideration is requested.

Claims 3-5, 32, and 40-42 were rejected under 35 USC §112, second paragraph as being indefinite. Applicant asserts that the amendments to the noted claims obviates the basis of this rejection. Reconsideration is requested.

Claims 1-4, 7, 16-17, 20-23, 26-27, 30-33, 35-37 and 39 are rejected under 35 USC §102(b) as being anticipated by Daniell (WO 99/10513). Applicant asserts that the amendments to the claims above obviate this rejection. Furthermore, with respect to the proposition that the Daniell reference teaches somatic embryogenesis, a Declaration from Dr. Henry Daniell will follow this response addressing this issue. In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this rejection.

Claims 1-4, 7, 16-17, 20-23, 26-27, 30-33, 35-37 and 39 are rejected under 35 USC §103(a) as being obvious over the Daniell (WO 99/10513) reference. Applicant asserts that the amendments to the claims above obviate this rejection. In addition, Applicant asserts that the forthcoming Daniell Declaration explains how the Daniell reference does not teach the production of a somatic embryo as claimed in claim 27 or the methods of claims 32 and 43. Reconsideration of this 35 USC 103(a) rejection is respectfully requested.

Claims 5-6 and 15 are rejected under 35 USC §103(a) as being obvious over the Daniell (WO 99/10513) reference in view of Maliga (U.S. Patent No. 5,877,402).

Applicants note that the grounds of this rejection are obviated in view of the cancellation of the rejected claims. Reconsideration is respectfully requested.

Claims 6 and 8-9 are rejected under 35 USC §103(a) as being obvious over the Daniell (WO 99/10513) reference in view of McBride (U.S. Patent No. 5,925,806). Applicants note that the grounds of this rejection are obviated in view of the cancellation of the rejected claims. Reconsideration is respectfully requested.

Claims 1-4, 7, 16-17, 20-23, 26-27, 30-33 35-37 and 39-42 are rejected under 35 USC §103(a) as being obvious over the Daniell (WO 99/10513) reference in view of in view of Adams (U.S. Patent No. 5,19,675) and with evidence of Daniell (U.S. Patent No. 7,129,319). Applicants assert that the amendments to the claims and the noted Daniell Declaration obviate the grounds of this rejection. Adams does not cure the deficiencies of the Daniell reference; Adams describes no methods or vectors that are capable of transforming plastids, much less techniques or vectors that can enable transplastomic transformation via somatic embryogenesis. Reconsideration is respectfully requested.

Claims 1, 11-12, 17, 22-23, 26, 30-31, 33, 35-37 and 39 are rejected under nonstatutory obviousness-type double patenting in view of Pat. No. 7,129,319. Applicant respectfully asserts that the amendments to the claims obviate this rejection, as the rejected claims have been cancelled. Reconsideration is requested.

Claims 1, 11-12, 17, 22-23, 26, 30-31, 33, 35-37 and 39 are rejected under nonstatutory obviousness-type double patenting in view of Pat. No. 6,680,426. Applicant respectfully asserts that the amendments to the claims obviate this rejection, as the rejected claims have been cancelled. Reconsideration is requested.

Claims 1, 11-12, 17, 22-23, 26, 30-31, 33, 35-37 and 39 are rejected under nonstatutory obviousness-type double patenting in view of Pat. No. 7,135,620. Applicant respectfully asserts that the amendments to the claims obviate this rejection, as the rejected claims have been cancelled. Reconsideration is requested.

Claims 1, 11-12, 17, 22-23, 26, 30-31, 33, 35-37 and 39 are rejected under nonstatutory obviousness-type double patenting in view of Pat. No. 7,294,506. Applicant respectfully asserts that the amendments to the claims obviate this rejection, as the rejected claims have been cancelled. Reconsideration is requested.

Claims 1-9, 11-12, 17-26, 30, 33, 35-37 and 39 are rejected under nonstatutory obviousness-type double patenting in view of copending application no. 10/519,820. Applicant respectfully asserts that the amendments to the claims obviate this rejection, as the rejected claims have been cancelled. Reconsideration is requested.

In view of the foregoing remarks and amendments, Applicants respectfully assert that all claims are in a condition for allowance and request that a notice of allowance be issued.

Respectfully submitted,

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